

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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# FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JAMES G. JABLONSKI, L.P.N.,  
RESPONDENT

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FINAL DECISION AND ORDER  
92 NUR 006

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

James G. Jablonski  
1746 South 66th Street  
West Allis, WI 53214

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

## FINDINGS OF FACT

1. James G. Jablonski (D.O.B. 08/11/49) is duly licensed in the state of Wisconsin to practice as a practical nurse (license # 58624). This license was first granted on September 21, 1973.
2. Mr. Jablonski's latest address on file with the Department of Regulation and Licensing is 1746 South 66th Street, West Allis, WI 53214.
3. On October 2, 1990, the Board of Nursing entered a stipulated agreement concerning Mr. Jablonski's license to practice as a practical nurse. A true and correct copy of this agreement is attached to this Order as Exhibit A. Exhibit A is incorporated by reference into this Final Decision and Order.
4. On January 8, 1992, the Board of Nursing issued a Notice of Denial which denied Mr. Jablonski's petition for an extension of time to complete the education required under the terms of the October 2, 1990 agreement. The

Board ordered that the license of Mr. Jablonski be suspended until Mr. Jablonski completes a course satisfying the requirements of the October 2, 1990 stipulation. A true and correct copy of the Board's January 8, 1992 Notice of Denial is attached to this Order as Exhibit B. Exhibit B is incorporated by reference into this Final Decision and Order.

5. Ms. Jablonski has subsequently informed the Department that he cannot be admitted to the required course to comply with the terms of the October 2, 1990 stipulation without a current LPN license.

#### CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter, pursuant to §441.07 Wis. Stats.

2. The Wisconsin Board of Nursing is authorized to enter into the attached stipulation, pursuant to §227.44(5), Wis. Stats.

3. The Board of Nursing has authority to issue this ORDER pursuant to Wis. Stats. §441.07(1).

#### NOW, THEREFORE, IT IS HEREBY ORDERED

that the SUSPENSION of the license of James G. Jablonski shall be STAYED for a period of three (3) months, conditioned upon compliance the following conditions and limitations:

i. James G. Jablonski limit his practice as a practical nurse to participation in the Waukesha County Technical Institute's course entitled "LPN Update in Nursing."

ii. Upon successful completion of the course referred to in paragraph i, above, the Board shall grant a petition by Mr. Jablonski for a return to full licensure.

iii. Violation of any of the terms of this Order may result in a summary suspension of Mr. Jablonski's license; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

(e) This Order shall become effective upon the date of its signing.

BOARD OF NURSING

By: Samona Weakland Warden 2/6/92  
On behalf of the Board Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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|----------------------------------|---|-------------|
| IN THE MATTER OF                 | : |             |
| DISCIPLINARY PROCEEDINGS AGAINST | : |             |
|                                  | : |             |
| JAMES G. JABLONSKI, L.P.N.,      | : | STIPULATION |
| RESPONDENT                       | : | 92 NUR 006  |
|                                  | : |             |

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It is hereby stipulated between James G. Jablonski, personally on his own behalf and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered in resolution of the pending proceedings concerning Mr. Jablonski's license. The stipulation and order shall be presented directly to the Board of Nursing for its consideration for adoption.

2. Mr. Jablonski understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Jablonski is aware of his right to seek legal representation and has been provided the opportunity to seek legal advice prior to execution of this stipulation.

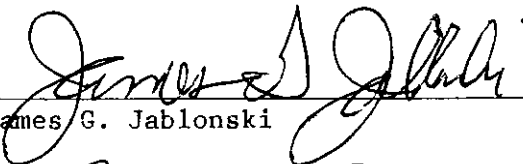
4. Mr. Jablonski agrees to the adoption of the attached Final Decision and Order by the Board of Nursing.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

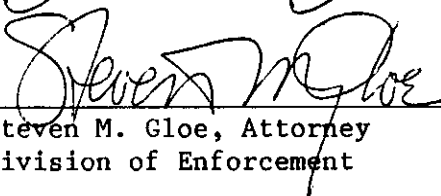
6. If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

7. The parties to this stipulation agree that the attorney for the Division of Enforcement and the Board advisor assigned to this case may appear before the Board of Nursing for the purposes of speaking in support of this agreement and answering questions that the other members of the Board may have in connection with their deliberations on the stipulation.

8. The Division of Enforcement joins Mr. Jablonski in recommending the Board of Nursing adopt this Stipulation and issue the attached Final Decision and Order.

  
James G. Jablonski

1/31/92  
Date

  
Steven M. Gloe, Attorney  
Division of Enforcement

2.4 92  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF  
THE APPLICATION FOR REINSTATEMENT OF

JAMES JABLONSKI, L.P.N. ,

Applicant

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STIPULATION

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It is hereby stipulated between James Jablonski, L.P.N. (applicant) and the State of Wisconsin Board of Nursing (board) as follows:

1. On November 19, 1985, the board filed its Final Decision and Order in the Matter of Disciplinary Proceedings Against James Jablonski, L.P.N. By the terms of the board's Order, the board accepted the voluntary surrender of applicant's license.
2. By letter dated August 9, 1990, the applicant petitioned the board to reinstate his license to practice as a licensed practical nurse in Wisconsin.
3. Applicant appeared before the board in support of his application at its meeting of September 7, 1990.
4. The board agrees to issue and applicant agrees to accept a limited license to practice as a licensed practical nurse in the State of Wisconsin imposing the following terms and conditions:
  - (a) The term of the limited license shall be for one year from the date of applicant's employment as a licensed practical nurse. Applicant shall notify the board within five days of his employment as a nurse.
  - (b) Upon successful completion for a period of one year following his employment as a nurse with the conditions and limitations set forth herein, the board shall grant the applicant a full license.

EXHIBIT A

(c) Applicant shall not consume any unprescribed controlled substances and shall abstain from any and all personal use of alcohol.

(d) Applicant shall be responsible for submission of quarterly written reports from his nursing employer setting forth applicant's activities and performance in his employment.

(e) Applicant shall complete an approved L.P.N. refresher course.

4. Violation of any of the terms of the limited license may result in summary suspension of the limited license or other discipline as the board may deem appropriate.

Dated at Madison, Wisconsin this 11<sup>th</sup> day of September, 1990.

STATE OF WISCONSIN  
BOARD OF NURSING

by Jacqueline Johnsrud  
Jacqueline Johnsrud, R.N. (m)  
Chair

Dated at Wauwatosa, Wisconsin this 15 day of September, 1990.

James Jablonski  
James Jablonski, L.P.N.

WRA:BDLS:768

BEFORE THE STATE OF WISCONSIN  
BOARD OF NURSING

IN THE MATTER OF THE PETITION  
FOR THE EXTENSION OF STAY OF

JAMES G. JABLONSKI, L.P.N.,  
PETITIONER

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:  
:

NOTICE OF DENIAL  
91 NUR 175

TO: James G. Jablonski  
1746 South 66th Street  
West Allis, WI 53214

PLEASE TAKE NOTICE THAT the State of Wisconsin Board of Nursing, having reviewed the petition for extension of stay and having reviewed the contents of the file in this matter, hereby denies the petition for the following reasons:

The October 2, 1990 stipulation required completion of an acceptable refresher course in practical nursing within one year from the commencement of nursing employment. Petitioner has failed provide substantial justification for his failure to complete this requirement.

NOW, THEREFORE, IT IS ORDERED that the petition of James G. Jablonski for the extension of time to complete a refresher course is hereby denied and the license of Mr. Jablonski is hereby SUSPENDED, effective immediately.

IT IS FURTHER ORDERED that upon completion of a course satisfying the requirements of the October 2, 1990 stipulation, the Board shall grant a petition by Mr. Jablonski for a return to full licensure.

PLEASE TAKE NOTICE THAT pursuant to Wis. Stats. §227.42, Wis. Stats., you have a right to request a hearing on the denial of your petition. A request for hearing must contain your name and address, the type of license for which you have applied, the reasons why you are requesting a hearing, the facts which you intend to prove at the hearing, and a description of the mistake, if any, you believe was made. Within twenty (20) days of receipt of a request for hearing, the board shall grant or deny the request. You will be notified in writing of the board's decision. The filing of a request for hearing on the denial does not act to stay the suspension of your license.

Dated this 8 day of January, 1992.

BY:

BOARD OF NURSING

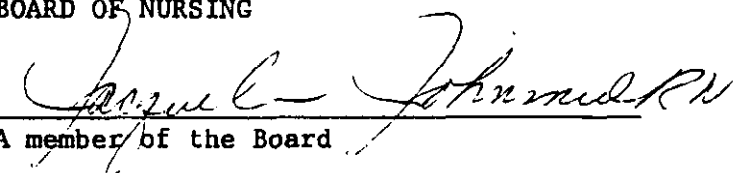
  
A member of the Board

EXHIBIT B

## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.

The date of mailing of this decision is February 7, 1992.